

### **REMARKS**

This responds to the Office Action mailed on November 26, 2003. Claims 1, 19, 21 and 25 are amended. Claims 1-44 remain pending in this application.

#### **§102 Rejection of the Claims**

Claims 1-25 were rejected under 35 USC § 102(b) as being anticipated by Valikai et al. (U.S. Patent No. 5,948,005), and claims 1-25 and 41 were rejected under 35 USC § 102(e) as being anticipated by Conley et al. (U.S. Patent No. 6,415,175). Applicant respectfully traverses these rejections under 35 USC § 102 for at least the following reasons. The present subject matter provides two or more statistical distributions for two or more sites in a histogram.

Applicant has amended independent claims 1, 19, 21 and 25 to further clarify the language recited in the claims. These amended claims recite a histogram that includes two or more statistical distributions for two or more sites, as was recited in the originally-filed claims. Applicant respectfully requests consideration and allowance of claims 1-25 and 41 in view of amended claims 1, 19, 21 and 25.

With respect to amended independent claim 1, Applicant is unable to find, among other things, in the cited portions of Valikai and Conley a showing of a device, comprising circuitry adapted to communicate with a medical device that is adapted to acquire data regarding cardiac events occurring at two or more sites, and display means for displaying a histogram of the data as two or more statistical distributions for the two or more sites, where the histogram includes both a right ventricular cardiac event distribution and a left ventricular cardiac event distribution, as recited in the claim. Claims 2-18 depend, either directly or indirectly, on independent claim 1, and thus are believed to be patentable at least for the reasons provided with respect to independent claim 1.

With respect to amended independent claim 19, Applicant is unable to find, among other things, in the cited portions of Valikai and Conley a showing of a device, comprising circuitry adapted to communicate with a medical device that is adapted to acquire data regarding cardiac events occurring at two or more sites, and a processor and display adapted to communicate with the circuitry and to display a histogram of the data as statistical distributions for the two or more

sites, where the two or more sites include a first site in a left ventricle and a second site in a right ventricle, the histogram comprises a plurality of histogram bins for the statistical distributions and includes both a right ventricular cardiac event distribution and a left ventricular cardiac event distribution, and the right ventricular cardiac event distribution is adjacent to the left ventricular cardiac event distribution and each includes both a sensed intrinsic cardiac event distribution and a paced cardiac event distribution, as recited in the claim. Claim 20 depends on independent claim 19, and thus is believed to be patentable at least for the reasons provided with respect to independent claim 19.

With respect to amended independent claim 21, Applicant is unable to find, among other things, in the cited portions of Valikai and Conley a showing of a programmer device, comprising circuitry adapted to communicate with a medical device that is adapted to acquire data regarding cardiac events occurring at two or more sites, a display, and a processor adapted to communicate with the circuitry and the display and to provide a histogram of the data on the display as two or more statistical distributions for the two or more sites, where the statistical distributions are selected from the set consisting of: at least one left ventricle statistical distribution and at least one right ventricle statistical distribution; at least two left ventricle statistical distributions; at least two right ventricle statistical distributions; at least one left atrium statistical distribution and at least one right atrium statistical distribution; at least two left atrium statistical distributions; and at least two right atrium statistical distributions, as recited in the claim. Claims 22-24 depend, either directly or indirectly, on independent claim 21, and thus are believed to be patentable at least for the reasons provided with respect to independent claim 21.

With respect to amended independent claim 25, Applicant is unable to find, among other things, in the cited portions of Valikai and Conley a showing of a programmer device, comprising circuitry adapted to communicate with a medical device that is adapted to acquire data regarding cardiac events occurring at two or more sites, a display, and a processor adapted to communicate with the circuitry and the display to provide a histogram of the data on the display as two or more statistical distributions for the two or more sites, where the statistical distributions are selected from the set consisting of: at least two statistical distributions in a first ventricle and at least one statistical distribution in a second ventricle; and at least two statistical

distributions in a first atrium and at least one statistical distribution in a second atrium, as recited in the claim.

With respect to amended independent claim 41, Applicant is unable to find, among other things, in the cited portions of Conley a showing of a device, comprising a processor, communication circuitry to communicate with the processor and with a medical device that is adapted for acquiring data regarding cardiac events occurring at two or more sites, a display to communicate with the processor, and a memory to communicate with the processor, where the memory is encoded with a software program that is executable by the processor to retrieve data from the communication circuitry regarding the cardiac events occurring at the two or more sites, to form a statistical distribution for each of the two or more sites, and to display the statistical distribution for each of the two or more sites in a histogram, where the histogram including a plurality of histogram bins, and where each histogram bin includes a representation for at least a portion of the statistical distribution for each of the two or more sites, as recited in the claim.

Applicant respectfully requests withdrawal of the rejection, and reconsideration and allowance of the claims.

*Allowable Subject Matter*

Applicant acknowledges the allowance of claims 26-40.

Claims 42-44 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant believes that independent claim 41 is in condition for allowance at least for the reasons provided above.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 373-6960 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


Respectfully submitted,

JEFFREY E. STAHMANN ET AL.


By their Representatives,


SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6960

Date 1-23-04

By   
Marvin L. Beekman  
Reg. No. 38,377

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 23 day of January, 2004.

  
Name

  
Signature